IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2604 of 1992

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

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BANKIM A BHATT

Versus

MANAGER

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Appearance:

1. Special Civil Application No. 2604 of 1992

MR NK MAJMUDAR for Petitioner No. 1

MR HV CHHATRAPATI for Respondent No. 1

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CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 01/09/2004

ORAL JUDGEMENT

1.0. The petitioner by way of this petition has challenged the judgment and award of the Labour Court, Bharuch dated 26th March, 1991 in Reference [L.C.B.] No.

91 of 1990 at annexure-A to the petition. whereby the Labour Court has not granted him full backwages.

1.1. The learned advocate appearing for the petitioner submitted that the said award is also challenged by the respondent Management by way of Special Civil Application No. 3920 of 1991. In the said Special Civil Application, this Court [Coram : Jayant Patel, J.} on 15th February, 2002 had passed the following order :-

> "7. In the result, petition is allowed to the extent that the judgment and award of the Labour Court dated 26.3.1991 is modified to the extent that instead of reinstatement in the original post the petitioner now will reinstate the respondent-workman on the post of peon with a clarification that he shall not be entitled to any backwages. Such reinstatement shall be made within a period of two months from the date of receipt of writ of this Court. It is further made clear that under the interim orders, dated 17.6.91 passed by this Court condition of 17-B will continue to operate until the workman is reinstated on the post of Peon as indicated hereinabove. Rule is made absolute accordingly to the aforesaid extent. There shall be no order as to costs.

2.0. Thus, in view of the fact that since this Court has modified the said award of the Labour Court, now nothing survives in the matter. Hence, it is dismissed. Rule is discharged with no order as to costs.

[K.S. JHAVERI, J.]

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